

Appl. No. : 09/277,335
Filed : March 26, 1999

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Claim Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected Claim 1 because it was unclear whether the limitation "said information" referred to the information recited in Claim 1, line 5 or in Claim 2, line 2. Applicant respectfully submits that Claim 2 has been amended to clarify that "said information" refers to the information in Claim 2, line 2.

Discussion of Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 10-10 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,568 to O'Conner (hereinafter "O'Conner") in view of the Computer Dictionary.

One embodiment of Applicant's invention is directed to a system and method for allows for the secure storage of data that is used and created by an individual when using their computer. In one embodiment, encryption hardware is provided that receives data from a processor in the computer and encrypts the data prior to storing the data on the computer.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P. § 2143.03. Applicant respectfully submits that the cited prior fails to teach or suggest each of the above-listed claim limitations.

O'Conner is directed to securing CD-ROM data for retrieval by an individual using their personal computer. O'Conner describes that a customer orders a computer system that includes selected hardware components and software files. *See* O'Conner, col. 5, lines 49-51. The manufacturer builds the computer and associates a hardware identifier to the computer hardware. *Id.* at col. 5, lines 51-55. The manufacturer uses a write-once section of a CD-ROM to write a code which enables access to the software selects chosen by the customer and writes an encryption key specific to each software selection. *Id.* at col. 5, lines 56-60. The manufacturer also writes a code specifying the computer hardware identifier to the CD-ROM. *Id.* at col. 5, lines 60-63. When the software is to be loaded onto the computer hardware, the CD-ROM is

loaded onto the hardware and the user accesses a CD-ROM access program. *Id. at col. 6. lines 4-7.* The program determines whether the hardware identifier on the CD matches that in the computer hardware, and if it does, decrypts the software. *Id. at col. 6. lines 10-32.*

O'Connor does not teach or suggest as is recited in Claim 1, as amended: "encrypting data, for storage on one of said data storage media using said cryptographic key, wherein the data is transmitted by the processor and is encrypted in the personal computer by the encryption hardware." Independent claims 5 and 7 contain similar types of limitations. The above-listed claims are generally directed to an *encryption* process that is carried by a computer that has the machine identifier. In contrast, O'Connor is directed to a method of producing secure CD-ROMs. Applicant respectfully submits that there is no teaching or suggestion in Pond that the *encryption* process is carried out by the target computer that is to use the software on the CD-ROM.

Furthermore, with respect to Claim 7, as amended, it recites "encrypting, in the encryption hardware, *user generated* data." Applicant respectfully submits that O'Connor is not directed to encrypting *user generated* data, but data that instead originates from a manufacturer or some other third party software vendor.

Moreover, Applicant respectfully submits that O'Connor fails to teach or suggest the use of dedicated encryption hardware for encryption. In particular, Claim 1 as amended recites "wherein the data is transmitted by the processor and is encrypted in the personal computer by the encryption hardware." Independent Claims 5 and 7 include similar types of limitations. Applicant respectfully submits that O'Connor fails to teach or suggest the use of dedicated hardware for decryption on the customer hardware. This disadvantageously could allow for a breach of security as the keys could be accessed as they are being processed by the processor on the customer hardware. Since the cited prior art fails to teach or suggest at least the above-limitations, Applicant respectfully submits that these claims are in condition for allowance.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above

Appl. No. : 09/277,335
Filed : March 26, 1999

remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

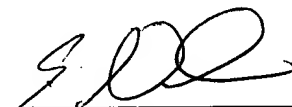
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

Aug. 5, 2003

By:



Eric M. Nelson
Registration No. 43,829
Attorney of Record
Customer No. 20,995
(619) 235-8550

S:\DOCS\EMN\EMN-3302.DOC
080503